

United States District Court
Eastern District of Michigan

United States of America

ORDER OF DETENTION PENDING TRIAL

v.

JAMIE LEE WAGNER /
Defendant

Case Number: 08-20448

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

- ✓ (1) I find that:
- ✓ there is probable cause to believe that the defendant has committed an offense
 - ✓ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
 - ❑ under 18 U.S.C. § 924(c).
- ✓ (2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

- ✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):
- ✓ (a) nature of the offense - Indictment - Count One (Conspiracy to Distribute more than 50 grams of cocaine base.)
 - ✓ (b) weight of the evidence - Indictment establishes probable cause and defendant has admitted her role in the offense conduct. Conviction is likely.
 - ✓ (c) history and characteristics of the defendant -
 - ✓ 1) physical and mental condition - Long term marijuana abuser; asthma.
 - ✓ 2) employment, financial, family ties - Unemployed; no assets; has family ties.
 - ✓ 3) criminal history and record of appearance - History of failure to appear.
 - ✓ (d) probation, parole or bond at time of the alleged offense - On state probation for 2007 drug offense.
 - ✓ (e) danger to another person or community - 2008 charge of felony assault - pled guilty to misdemeanor A & B.

This 20 year old female has a significant criminal history of misdemeanor offenses (3) and one felony offense since 2007. She has a history of FTA and was repeatedly non-compliant with the state probation authorities. She is an unemployed high school dropout who gives little indication of a resolve to comply with court supervision. Pretrial Services reports that a state probation violation proceeding is likely. She faces a likely minimum sentence of 20 years upon conviction in this case, due to prior criminal history. Pretrial Services recommends detention. I agree.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer

Signature of Judge

Donald A. Scheer, United States Magistrate Judge

Name and Title of Judge

Date: August 26, 2008